FINDING OF FACT AND CONCLUSIONS OF LAW

The Petitioner, herein request a variance to permit two lot line setbacks of 40 feet each in lieu of the required 50 feet for both to provide two buildings locs in accordance with Petitioner's Exhibit 1.

The Petitioners, by Charles Cheelsman, appeared and testified.

The following area residents appeared and testified in opposition: John
B. Twist, E. Bruce Harris, and Wayne Harrison.

Walker Road, consists of 1.61 acres moned R.C. 5 and is currently vacant. Testimony presented indicated that the subject property was deeded to the Petitioner by his parents a few years ago and consists of two lots totalling 3.14 acres more or less. Petitioner proposes constructing a single family dwelling on bot 2 of the property; however, due to the topography of the land and the size of the dwelling proposed, the requested variances are necessary.

to the relief requested. Mr. Harris, the adjoining property owner, testified he is currently experiencing drainage problems due to the existence of a drainage easement which runs along the front portion of the property and due to the steep slope of the land in this vicinity. The Protestants were generally opposed to the Petitioner's request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. In the opinion of the Zoning Commissioner, the hardship and practical difficulty are self-created. The testimony and evidence presented indicated that Petitioners have adequate land on which to construct the proposed dwelling without the need for a variance. Specifically, Lots 2 and 3 could be combined to create one lot. Additionally, the variance requested will invade the drainage area, further aggravating existing drainage problems and will result in an unstable slope. The Petitioners have failed to show that compliance would unreasonably prevent the use of

the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

JRH:bjs

J. ROBERT MAINES
Zoning Commissioner
for Baltimore County

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Kobert Haines
Zoning Commissioner

Saltimore County |

June 15, 1989

Mr. & Mrs. Charles H. Cheelsman 3 Winkel Court, Apt. 1C Baltimore, Maryland 21237 Dennis E. Rasmussen

RE: PETITION FOR ZONING VARIANCE

S/S Walker Road, 800'+/- E of Valley Mill Road

(1405 Walker Road)

6th Election District - 3rd Councilmanic District

Charles H. Cheelsman, et ux - Petitioners

Case No. 89-498-A

Dear Mr. & Mrs. Cheelsman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. John B. Twist 1401 Walker Road, Freeland, Md. 21053

Mr. E. Bruce Harris
1407 Walker Road, Freeland, Md. 21053
Mr. Wayne Harrison

1404 Walker Road, Freeland, Md. 21053
People's Counsel

File

PETITION FOR ZONING VALANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-25 498-A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

We have entered into a written contract, including a non-refundable deposit, on a pre-cut Viceroy Home. No matter how the home is placed on the lot it will extend into the fifty foot set back required on RC-5 lots by approximately fifty feet. Would Like To Lake THE Leaguest To Fifty Full DE SET BACKS REDUCED TO MORE TO ROCK Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A

Charles H. Cheelsman

(Type or Print Name)

Charles H. Cheelsman

(Type or Print Name)

Signature

Robin B. Cheelsman

(Type or Print Name)

City and State

Attorney for Petitioner:

SONE
(Type or Print Name)

Signature

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Name

Zoning Commissioner of Baltimore County.

(over)

400

BEGINNING AT A POINT ON THE SOUTH PIDE of WALKER PL APPROXIMATLEY 800'H CAST OF WAIREY MILL RD

BEING KNOWN AS LOT Z IN THE
BEING KNOWN AS LOT Z IN THE
SUBDIVISION OF WALKER MANDE PLAT
BOOK 49 FOLIO 142 ALSO KNOWN AS
1405 WALKER RD. FREELAND IND ZIOS3
1405 WALKER RD. FREELAND IND ZIOS3
6TH ELECTION DISTRICT OF BALTIMORE COUNTY

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towsen, Maryland

District & The Date of Posting R. an 24-59

Posted for: Nariance

Petitioner: Charles H. Cheelaman, III

Location of property: 5/5 of Walken Road, 800 East of Vally Mill Road

1405 Walker Road

Location of Signs: Santhe side of Walker Road in front of subject.

Property

Remarks:

Posted by S. Arata

Date of return: May 24, 1999

Signature

Number of Signs: 1

BALTIMOFE GOUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 18, 1989

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Gase No. 89-498-A Item No. 400

Re: Charles H. Cheelsman, III, et ux

The Petitioners request a variance to permit lot line setbacks of 40 feet in lieu of the required 50 feet. In reference to this request, staff offers no comment.

A:698).txt Pg.1

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN
TOWSON TIMES,

5. Zahe Orlan

and received in this office by the date of the hearing set above or presented at the hearing.

NOTICE OF HEAPING

J ROBERT HAINES
Zoning Commissioner of Barbmore County
TJ 5-243 May 18.

Patition for Johns Variance
Case number: 89-496-A
S/Side of Walker Road, 800°
± East of Valley Mill Road
1405 Walker Road
6th Election District
3rd Councilmanic
Petitioner(s):
Chares H. Cheelsman, III
Haanon Juta: Eriday

Heaning Date: Friday, June 9, 1989 at 9:20 a.m.

Variance: to allow two lot line

setbacks of 40 ft. each in lieu o

granted, a building permit may be assued within the thirty (30) day

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines Zoning Commissioner

May 5, 1989

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-498-A
5/Sied ofWalker Road, 800'± East of Valley Mill Road
1405 Walker Road
6th Election District - 3rd Councilmanic
Petitioner(s); Chares H. Cheelsman, III
HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 9:30 a.m.

Variance to allow two lot line setbacks of 40 ft. each in lieu of the required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. POBERT HAINES
Zening Commissioner of
Baltimore County

blisher

AINES 19 11 28978

Soundy 25 18 89-498-11

Price 190.53

PO 12527

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 Date: 4 189 J. Robert Haines Mr. & Mrs. Charles H. Cheelsman 3 Winkel Court, Apt. 301 Baltimore, Maryland 21237 Re: Petition for Zoning Variance CASE NUMBER: 89-498-A S/Sied ofWalker Road, 800'± East of .lley Mill Road 1405 Walker Road 6th Election District - 3rd Councilmanic Petitioner(s); Chares H. Cheelsman, III HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 9:30 a.m. Dear Petitioners: Please to advised that 2000 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled and a superior of the county of the coun and post set(s), there BALTIMORE COUNTY, MARYLAND for each set not OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT र अस्तर **हर्द्य अ**वत्तर दश्या १९७६ म् १९७० व्यक्ति स्थान VALIDATION OR SIGNATURE OF CASHIER DISTRIBUTION
WHITE - CASHIER PRIK - AGENCY YELLOW - CUSTOMER BALT RE COUNTY DEPARTMENT OF ENVIRONMENT PROTECTION 'ND RESOURCE MANAGEMENT Zoning Commissioner Office of Planning and Zoning County Office Building Zoning Item # 4cc, Zoning Advisory Committee Meeting of April 11,1789 Property Owner: Charles H. Cheelsman II, et ux Location: 5/5 Walker Rd, 300'(+ or-) East of Valley Mill Rd, District: 6 Water Supply: private. Sewage Disposal: private.

COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, removation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval. () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

(Soil percolat a tests, have been _____, must be ____, conducted.

and approval of Building Permit Applications.

County Standards must be drilled.

logical and chemical water samples.

at 887-3930.

and Sewer to determine whether additional tests are required.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

subdivision process, please contact the Land Development Section at 887-2762.

() Soil percolation test results have expired. Petitioner should contact the Division of Water

() is not acceptable and must be retested. This must be accomplished prior to conveyance of property

Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

() In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

(V) Others A minimum of 20 is required between foundation of preposed house and established sewage disposal area.

(Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore

Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke J. Robert Haines Zoning Cammissioner Office of Planning and Zoning () A permit to construct from the Bureau of Quality Management is required for such items as spray paint Baltimore County Office Building processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or Towson, MD 21204 process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation Re: Property Owner: Charles H. Cheelsman, III, et ux which has a total cooking surface area of five (5) square feet or more. Location: S/Side of Walker Road, 800' East of Valley Mill Road Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type Zoning Agenda: 4/11/89 of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Item No.: 400 Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for Gentlemen: review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, Pursuant to your request, the referenced property has been surveyed by this saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department to be corrected or incorporated into the final plans for the property. of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. of Public Works. () If lubrication work and oil changes are performed at this location, the method providing for the elimination () 2. A second means of vehicle access is required for the site. of waste oil must be in accordance with the State Department of the Environment. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management (X) 3. The vehicle dead end condition shown at lot #3, exceeds 300 at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 897-3775. feet standard tee-turnaround required. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

89-498-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 12th day of April , 1989 J. Robert Haines VZONING COMMISSIONER Petitioner Charles H. Cheelsman Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee Baltimore County Bureau and the comments below marked with an "X" are applicable and required () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.

PROTESTANT(S) SIGN-IN SHEET

1401 Welker Rd Freeland, MD 21053

1407 WALKELIN FRELLINDADZES3

1400 11 LAUKER RO FORELOWD MOZIOS3

PLEASE PRINT CLEARLY

John B. Twist

E. BRUCE HAPRIS

MANNE MARCHAU

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 M. Chesapeake Ave. Towson, Maryland 21204

Mr. & Mrs. Charles H. Cheelsman, III 3 Winkel Court, Apt 1C Baltimore, MD 21237

Bureau of Engineering Department of State Roads Commissio Bureau of

Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

RE: Item No. 400, Case No. 89-498-A Petitioner: Charles H. Cheelsman, III, et ux Petition for Zoning Variance

May 31, 1989

Dear Mr. & Mrs. Cheelsman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dizer/ju JAMES E. DYER Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887 3554

April 21, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II



ZUNING OFFICE

SUBJECT SITE ! VICINITY MAP JCALE: 1:2000

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for Items 405 and 411.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

Encls.

() 6. Site plans are approved, as drawn.

Special Inspection Division

() 7. The Fire Prevention Bureau has no comments at this time.